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CHURCH OF SCIENTOLOGY INTERNATIONAL

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

GERALD ARMSTRONG,
Debtor.

Case No. 95 10911 aj
Chapter 7

CHURCH OF SCIENTOLOGY INTERNATIONAL,
a California non-profit religious
corporation,

Plaintiff,

v.

GERALD ARMSTRONG,
Defendant.

Adv. Pro. No. 95 1164
Trial Date: Feb. 13, 1996

EX PARTE APPLICATION FOR AN ORDER
SHORTENING TIME FOR HEARING ON MOTION TO AMEND
ADVERSARY COMPLAINT AND FOR CONTINUANCE OF TRIAL DATE

I. INTRODUCTION

The trial of this matter is currently set for February 13,
1996. As set forth more fully in the Plaintiff's Motion to Amend

1 the Adversary Complaint and Continue the Trial Date, the Plaintiffs
2 file this Ex Parte Application because the enforceability of the
3 judgment Plaintiff obtained in Marin Superior Court Case Church of
4 Scientology v. Armstrong, Action No. 157680 ("Marin Action") should
5 be included as part of Plaintiff's adversary complaint.

6 Plaintiff also seeks leave to dismiss certain causes of action
7 to proceed to trial with a succinct and concise complaint which will
8 lead to an efficient adjudication of the merits of this complaint

9 II. PROCEDURAL HISTORY

10 Pursuant to this Court's order dated May 25, 1995, Plaintiff
11 was granted relief from the automatic stay to pursue the Marin
12 Action as to injunctive relief and damages as a result of the Debtor
13 repeatedly breaching a 1986 Settlement Agreement.

14 On December 1, 1995, in open court, Judge Gary Thomas of the
15 Marin Superior Court ordered the Clerk of the Court to enter final
16 judgment in favor of Plaintiff in accordance with the Orders of
17 Summary Adjudication and Permanent Injunction against this Debtor
18 and also adjudicated that Plaintiff was the prevailing party
19 entitled to attorney's fees and costs. Shortly thereafter, in
20 accordance with the procedures of the Marin Superior Court,
21 Plaintiff submitted a proposed order for Judge Thomas to sign.
22 (See, Declaration of Andrew H. Wilson at Exhibit A).

23 Plaintiff anticipated receiving this signed order in the Marin
24 Action, and then filing a motion in this Court to amend the
25 adversary complaint and continue the currently scheduled trial date
26 herein. Plaintiff has not yet received a signed copy of the final
27 judgment and has resubmitted the proposed order to Judge Thomas.
28 Plaintiff anticipates receiving a signed copy of the order prior to

1 the time of the hearing of the Motion to Amend the Adversary
2 Complaint and Continue the Trial in this matter.

3 III. LEGAL ARGUMENT

4 Plaintiff seeks to Shorten Time on the Hearing of the Motion to
5 Amend the Adversary Complaint and Continue the Trial Date because
6 the trial as it is currently set is scheduled for February 13, 1996.
7 The trial in this case should resolve all matters between these
8 parties including the issue of the enforceability and
9 dischargeability of the permanent injunction and damage award
10 thereunder obtained in the Marin Action. If Plaintiff's Motion to
11 Amend the Adversary Complaint and for the Continuance of the Trial
12 Date is heard on a regularly noticed basis, it would not be heard
13 until after the currently scheduled trial date. It is therefore
14 appropriate that an Order Shortening Time For a Hearing On The
15 Motion to Amend the Adversary Complaint And Continue the Trial Date
16 be granted, so the parties will have the Court's ruling on this
17 motion as far in advance of the trial date as possible.

18 This Court's order of May 25, 1995, which granted Plaintiff
19 relief from the automatic stay to pursue the Marin Action,
20 specifically stated that:

21 "The request to pursue the action as to injunctive relief and
22 damages raises very serious legal issues not appropriate for
23 determination in the context of a relief from stay proceeding.
24 These issues include whether an injunction issued to enforce a
25 contract remains enforceable after the Debtor's contractual
obligations have been discharged, and whether any damages
resulting from the action are dischargeable. These issues must
be determined by adversary proceeding pursuant to FRBP 7001."

26 Now that the Marin Action has been completed and Plaintiff has been
27 granted a final judgment in the matter, the issues of the judgment's
28 enforceability and non-dischargeability should be determined in the

1 most expeditious and efficient manner. Therefore, Plaintiff seeks
2 leave to amend its complaint to include these claims.

3 Pursuant to this Court's Local Rule Number 2 and United States
4 District Court for the Northern District Local Rule 9006-1,
5 Plaintiff requests that this Court grant this order shortening time
6 because of the proximity to the trial date. Good cause exists to
7 have a complete adjudication of all claims between the parties to
8 this case. Plaintiff requests that this Court grant this order
9 without oral representations by counsel. However, if this court
10 determines that Plaintiff's request must be explained further,
11 Plaintiff requests that a hearing on this application be held in
12 open court at the conclusion of this week's Law and Motion calendar
13 on Friday, January 26, 1996 at 11 a.m.

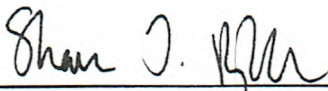
14 Plaintiff's counsel has requested that Defendant stipulate to
15 having Plaintiff's Motion heard on shortened time. (See,
16 Declaration of Andrew H. Wilson at Exhibit B). As of the filing of
17 this application, Defendant has not responded to this letter.

18 IV. CONCLUSION

19 For the foregoing reasons, Plaintiff requests that this Court
20 grant the ex parte application and allow Plaintiff's Motion to Amend
21 the Adversary Complaint and Continue the Trial Date to be heard on
22 shortened notice on February 2, 1996.

23 Dated: January 24, 1996

WILSON, RYAN & CAMPILONGO

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26 _____
SHAUNA T. RAJKOWSKI

PROOF OF SERVICE

I declare that I am employed in the City and County of San Francisco, California.

I am over the age of eighteen years and not a party to the within entitled action. My business address is 115 Sansome Street, Suite 400, San Francisco, California.

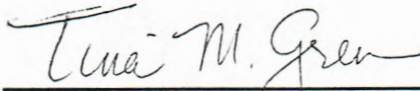
I am readily familiar with Wilson, Ryan & Campilongo's practice for collection and processing of correspondence for hand delivery.

On January 24, 1996, I served the attached EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR HEARING ON MOTION TO AMEND ADVERSARY COMPLAINT AND FOR CONTINUANCE OF TRIAL DATE, DECLARATION OF ANDREW H. WILSON IN SUPPORT OF EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR HEARING ON MOTION TO AMEND ADVERSARY COMPLAINT AND FOR CONTINUANCE OF TRIAL DATE and PROPOSED ORDER SHORTENING TIME FOR HEARING ON MOTION TO AMEND ADVERSARY COMPLAINT AND FOR CONTINUANCE OF TRIAL DATE on the following in said cause, by placing for deposit with Lightening Express Messenger Service on this day in the ordinary course of business, true copies thereof enclosed in a sealed envelope. The envelope was addressed as follows:

Gerald Armstrong
715 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

I declare under the penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct

1 and that this Proof of Service was executed on January 24, 1996 at
2 San Francisco, California.

3 
4 TINA M. GREN